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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,924	02/17/2004	Jared Freeman Solomon	102271.000001	1899
29747 7590 10/09/2007 GREENBERG TRAUIG 3773 HOWARD HUGHES PARKWAY SUITE 500 NORTH LAS VEGAS, NV 89169			EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 10/09/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/780,924

Applicant(s)

SOLOMON, JARED FREEMAN

Examiner

Kang Hu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/17/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

1. The claim language of claims 1-38 where “means for” language are used are presumed to invoke 35 U.S.C. 112, sixth paragraph by meeting the requirements of the 3-prong analysis and will be examined as such.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drafts of the invention are unclear and cluttered, specifically in fig 1, the numerals are not numbered corrected pertaining to 40a, 40c and 40c. In fig 2, the numerals in the figure appear to be unclear surrounding the passenger unit. Furthermore, the inner ring marking appears to be faded or crossed out. It is suggested to delete/erase any unnecessary markings from the drawing. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “each passenger unit 35 is gimbaled about three axes by three independent control frames 40a, 40b and 40c” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be

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labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 18-20, and 35-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsui et al. (US 5,158,021).

Re claim 1, Matsui discloses a motion-based apparatus comprising: one or more passenger units (lift chairs) movably coupled to one or more support arms (fig 1, 2a, 15, 11a and so forth); means for driving said support arms in a generally circular path (fig 7); and means for unloading and

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loading said passenger units during the driving of said support arms in a generally circular pattern (figs 1 and 7; col 1: 35:63; col 2, 30-col 4, 25).

Matsui further teaches:

Re claim 2, the motion-based apparatus of claim 1 wherein the one or more passenger compartments are movably coupled to the one or more support arms by means of a guide member engaging the one or more support arms (cols 1 and 2).

Re claim 3, the motion-based apparatus of claim 1 wherein the means for driving said support arms is one or more motors (col 1: 40-62).

Re claim 18, a motion-based system comprising: one or more passenger units movably supported by radial tracks integrated within a circular platform; means for rotating said circular platform; and means for unloading and loading said passenger units during the driving of said circular platform (figs 1 and 7; col 1: 35:63; col 2, 30-col 4, 25).

Re claims 19-20, the motion based system of claim 18 wherein the one or more passenger compartments are movably supported by a wheeled base member and the means for driving said platform is one or more motors (figs 1 and 7; col 1: 35:63; col 2, 30-col 4, 25).

Re claims 35-37, a motion based apparatus comprising: one or more passenger units movably coupled to one or more support arms, said Support arms each formed of a plurality of segments

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such that said segments may be rotated about a longitudinal axis of the support arms; means for driving said support arms in a generally circular path; and means for unloading and loading said passenger units during the driving of said support arms in a generally circular pattern. Wherein each segment supports one or more passenger units and wherein each segment comprises an I-beam cross-section (figs 1 and 7; col 1: 35:63; col 2, 30-col 4, 25).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 21, 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsui et al. (US 5,158,021).

Re claim 4, Matsui does not explicitly teach the use of the mechanical means for unloading and loading said passenger units during the driving of said support arms comprises a rotatable clutch integrated between the support arm and a stationary area. It would have been obvious at the time of the invention to thought of a rotatable clutch to ease the transfer of passengers on the cart to the stationary destination.

Matsui further does not teach:

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Re claim 21, the means for unloading and loading said passenger units during the driving of said support arms comprises a clutch platform integrated between the platform and a stationary area, it would have been obvious to include such modifications to the system as stated above.

8. Claims 5-13, 22-34 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Threlkel (US 2006/0178221 A1) in view of examiner's official notice.

Re claim 5, Threlkel teaches of a motion based apparatus comprising: one or more passenger compartments movably coupled to one or more support arms; said support arms attached at a first end to a rotatable member; where one or more transfer units are able to stop and let the passenger off while other passenger compartments are still in motion. Threlkel does not teach the use of rotatable clutch positioned adjacent to the rotatable member, nor does he teach using the rotatable clutch for facilitating the transfer of one or more passenger compartments between the one or more support arms and a stationary area during the apparatus operation. However such difference is merely mechanical expediency and they could be used interchangeably to transfer the passenger compartments to the stationary area during apparatus operation. Accordingly, it would have been a matter of design choice to substitute to perform the same function.

Claims 6-13, Threlkel further does not teach of said rotatable member and said rotatable clutch are circular in shape; and said rotatable clutch is positioned within an inner circumference of said rotatable member; The stationary area includes one or more stationary units for receiving said guide member; said support arms, transfer units and stationary units each have an I-beam or t-slot cross-section; the stationary area is located within an inner circumference of said second rotatable clutch member. The stationary area facilitates loading and unloading of passengers into

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and out of the passenger compartments; Threlkel does teach said passenger compartments are gimbaled about three axes. Threlkel does not teach the transfer of the one or more passenger compartments between the one or more support arms and the stationary area includes the steps of: accelerating the rotatable clutch to a rotational speed generally equivalent to that of the rotatable member such that a transfer unit is aligned with a support arm and corresponding passenger compartment; causing said guide member and corresponding passenger compartment to traverse along the support arm such that the guide member engages the transfer unit; decelerating the rotatable clutch to a stop such that the transfer unit is aligned with a stationary unit; and causing said guide member to traverse the transfer unit and engage the stationary unit. It would have been obvious for Threlkel to thought of such a design to ease the transfer of passenger compartments to let the passenger off.

Re claims 22-34 and 38, the limitations of the claims have been discussed in the above claims and will not be repeated herein.

9. Claim 14-17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Threlkel (US 2006/0178221 A1) in view of Potter et al. (US 6,149,873)

Re claims 14-17, the motion apparatus of claim 5 wherein the one or more passenger compartments include a video monitor, sound system, means for scenting the compartment and misting the compartment are disclosed by Potter et al. (cols 1-5).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kuncynski (US 4,848,241) teaches of an aerial tramway system and method having parallel haul ropes. Bartlett (US 2,629,593) teaches of an amusement ride and particularly to ride of the kind known as roundabouts. Kissel, Jr. (US 6,685,398) teaches of a comprehensive transportation system with the ability to transport an individual passenger or a unit of cargo directly from a point of origin to a desired destination.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

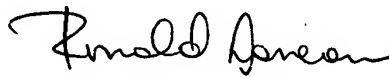
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
October 1st, 2007

Ronald Laneau
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RONALD LANEAU
PRIMARY EXAMINER
10/01/07